

Planning and Development Act 2000, as amended

Planning Authority: Galway City Council

Planning Authority Reference Number: S5.5.26

WHEREAS a question has arisen as to whether the proposed temporary construction compound area and its associated haul route/access road and vehicular entrance onto the Ballymoneen Road is exempted development under Class 16 of the provisions of the Planning and Development Regulations 2001, as amended:

AND WHEREAS Cairn Homes Properties Limited requested a declaration on this question from Galway City Council and the Council issued a declaration on the 24th day of March 2026 stating that the matter was development and that whilst the proposed temporary compound area is exempted development, the haul road and vehicle entrance onto the Ballymoneen Road was not exempted development:

AND WHEREAS Cairn Homes Properties Limited referred this declaration for review to An Coimisiún Pleanála on the 17th day of April 2026:

AND WHEREAS, An Coimisiún Pleanála, in considering this referral, had regard particularly to:

- (a) sections 2(1), 3(1), 4(1), 4(2) and 4(4) of the Planning and Development Act, 2000, as amended,
- (b) article 6(1) and article 9(1) of the Planning and Development Regulations, 2001, as amended,
- (c) Parts 1 and 3 of Schedule 2 to the Planning and Development Regulations, 2001, as amended,
- (d) Class 16 and Class 17 of Part 1 of Schedule 2 to the Planning and Development Regulations, 2001, as amended,
- (e) section 2(1) of the Roads Act, 1993,
- (f) the planning history of the site and adjoining sites, and
- (g) the pattern of development in the area.

AND WHEREAS An Coimisiún Pleanála has concluded that:

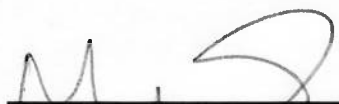
- (a) The development comprising the provision of a temporary construction compound on the lands in question would constitute a material change of use that is development under section 3 of the Planning and Development Act 2000, as amended;
- (b) The works comprising the installation of various structures, plant and machinery and the construction of a new site entrance and haul road/access route to the site from Ballymoneen Road would constitute works that are development under section 3 of the Planning and Development Act 2000, as amended;
- (c) Having regard to the nature of the development, which comprises the provision of a construction compound used for structures, works, plant and machinery and the construction of a haul road/access route needed temporarily in connection with the carrying out of the development

pursuant to permission granted under planning register reference number 2460270 and appeal reference ABP-321970-25 (as amended by planning register reference number 2560285) on the adjoining lands, the Commission is satisfied that this element of the development comes within the scope of Class 16, Part 1 of Schedule 2 to the Planning and Development Regulations, 2001, as amended,

- (d) Having regard to the nature of the development, which comprises the provision of a construction compound and the placing on lands of portacabins, providing for temporary on-site accommodation for persons employed, or otherwise engaged, in connection with the carrying out of the development pursuant to permission granted under planning register reference number 2460270 and appeal reference ABP-321970-25 (as amended by planning register reference number 2560285) on the adjoining lands, the Commission is satisfied that this element of the development comes within the scope of Class 17, Part 1 of Schedule 2 to the Planning and Development Regulations, 2001, as amended,
- (e) Having regard to the nature of the development, which comprises the creation of a vehicular entrance to a public road which exceeds four metres in width, the Commission is satisfied that this element of the development is not exempted development by virtue of article 9(1)(a)(ii) of the Planning and Development Regulations, 2001, and does not come within any of the other exempted development provisions of the Planning and Development Act, 2000, as amended, or of the Planning and Development Regulations, 2001;
- (f) On the basis of the documentation on file, the development would not be likely to have significant effects on the Galway Bay Complex Special Area of Conservation (Site Code: 000268) and Inner Galway Bay

Special Protection Area (Site Code: 004031) in view of those sites' conservation objectives. In coming to this conclusion, the Commission took account of the limited extent and duration of the works, the lack of a pathway between the development and the European Site, the distance to any qualifying interests and to the nature of those qualifying interests, and accordingly, considers that an appropriate assessment is not required in relation to the development the subject of this referral. Accordingly, the de-exemption provisions of section 4(4) of the Planning and Development Act, 2000, as amended, do not apply.

NOW THEREFORE An Coimisiún Pleanála, in exercise of the powers conferred on it by section 5(3)(a) of the 2000 Act, hereby decides that the temporary construction compound area and its associated haul road/ access route to the north of the application site is development and is exempted development, and that the creation of a new vehicular entrance to the construction compound from the Ballymoneen Road, is development and is not exempted development.



Mary Rose McGovern

**Planning Commissioner of An Coimisiún
Pleanála duly authorised to authenticate
the seal of the Commission.**

Dated this 13th day of August 2026.